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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

ANNA DOUGHTY,)	
)	
Plaintiff,)	CASE NO. 2:21-cv-00676-WGC
)	
v.)	
)	SECOND MOTION
)	FOR EXTENSION OF TIME TO FILE
KILOLO KIJAKAZI,)	PLAINTIFF'S BRIEF
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	
)	

Plaintiff, Anna Doughty, by her attorney, Hal Taylor, Esq., Of Counsel, Olinsky Law Group, hereby moves for a thirty-day extension of time to file Plaintiff's Opening Brief. Plaintiff's opening brief is currently due to be filed January 3, 2022. This is Plaintiff's second request for an extension of time in this matter. On October 28, 2021, this Court graciously granted Plaintiff's first Motion for an Extension of Time (Dkt. No. 16).

Counsel requests this extension of time in this matter are due to a culmination of events which have caused such extraordinary circumstances that such extensions are warranted. As noted in the attached Declaration of Howard D. Olinsky, managing partner of Olinsky Law Group, after the initial shutdown related to the COVID-19 pandemic in March, 2020, the Commissioner's capacity to produce Administrative Records fell from 300 Administrative

1 Records a week to essentially zero for a large portion of 2020. As of January 2021, the Agency
2 reported over 11,000 pending cases. After months of delay due to the Agency's inability to
3 produce Administrative Records, the Agency expanded their out-of-office capacity to over 700
4 Administrative Records per week. As of mid-September 2021, the Agency reduced the number
5 of pending cases to just 2,350, a decrease of 8,650 cases in just over nine (9) months. In tandem
6 with the decrease in production of Administrative Records throughout 2020, the Appeals Council
7 withheld claims containing, inter alia, claims of constitutional violations under the Supreme
8 Court's holding in *Seila Law LLC v. Consumer Financial Protection Bureau*, 140 S. Ct. 2183
9 (June 29, 2020). As evidenced in the attached Declaration, Olinsky Law Group went from
10 receiving 65 Appeals Council denials in October 2020 to just 25 Appeals Council denials in
11 November and December of 2020. Subsequently in January 2021, the Agency released
12 Emergency Message-21002, which directed staff to flag claims in which the Seila issue was
13 raised and to continue processing these claims without discussing or making any finding
14 regarding the Seila issue. As evidenced in the attached Declaration, Olinsky Law Group then
15 received 541 Appeals Council denials in January 2021; 1,127 Appeals Council denials in
16 February 2021; and 358 Appeals Council denials in March 2021. Further, these numbers only
17 represent internal Appeals Council denials received by the Olinsky Law Group, who represents a
18 significant number of additional clients who are referred to this office by non-attorney
19 representatives or unaffiliated attorneys.

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Olinsky Law Group filed 166 briefs in November of 2021, and this figure does not
include Reply Briefs, Objections to Report and Recommendations, Responses to Motions, 59(e)
Responses, Oral Arguments, appeals to the Circuit Courts, EAJA petitions, Fee Litigation,
406(b) Petitions, and other miscellaneous tasks which arise throughout the course of litigation.

1 Currently, Olinsky Law Group has 170 briefs scheduled to be drafted in December, 2021, 182
2 briefs scheduled to be drafted in January, 2022, and 131 briefs already scheduled to be drafted in
3 February, 2022. Counsel asserts that the culmination of these factors, further evidenced in more
4 detail in the attached Declaration of Howard D. Olinsky, has created extraordinary circumstances
5 due to the exigent circumstances created by the COVID-19 pandemic and the Commissioner's
6 response. Wherefore, Plaintiff requests an extension from January 3, 2022 up to and including
7 January 31, 2022 to file her brief. Counsel for the Plaintiff has conferred with Defendant's
8 Counsel who kindly consents to this request.
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10

11 Dated this 27th day of December, 2021.

12 Respectfully submitted,

13 /s/Hal Taylor

14 Hal Taylor, Esq.

15 Of Counsel, Olinsky Law Group

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22 **ORDER**

23 IT IS SO ORDERED.

24 DATED: December 27, 2021

25 William G. Cobb

26 U.S. MAGISTRATE JUDGE
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